

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 12-23 are presently active in this case. The present Amendment amends Claims 12, 15-17 and 20; and adds Claim 23.

The outstanding Office Action objected to the specification because of informalities. Claim 20 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 12-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Ladetto et al. (U.S. Patent Publication No. 2003/0018430) in view of Wu et al. (U.S. Patent No. 4,571,680).

In response to the objection to the specification because of the sub-headings, the specification is amended to add appropriate sub-headings. In response to the objection to the specification because of a lack of antecedent basis in the specification for the expression “intrinsic parameters,” Applicant respectfully points to the specification at page 4, line 5.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claim 20 is amended to replace “intrinsic parameters” with the term “magnetic characteristics.” Support for this amendment can be found, for example, at page 6, lines 12-17. In view of amended Claim 20, it is believed that all pending claims are definite and no further rejection on that basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

In response to the rejection of Claims 12-22 under 35 U.S.C. §103(a), Claim 12 is amended to clarify Applicant’s invention. Support for the amendments can be found, for example, at page 5, lines 24-29, and in Figs. 1-2. Support for new dependent Claim 23 can be found at page 2, lines 16-26. Thus, the present Amendment is not believed to raise a question of new matter.

In light of the present Amendment, Applicant respectfully requests reconsideration of this rejection and traverses the rejection, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in amended Claim 12, relates to a stride monitoring device that includes two shoes. The *first* shoe includes at least a *magnetic mass*. The *second* shoe includes at least one *magnetometer* for measuring the magnetic field produced by the magnetic mass in the *first shoe* and for outputting magnetic field signals based on the measured magnetic field produced by the magnetic mass in the first shoe. The magnetic field signals can be processed to determine stride parameters. At least one of the first or second shoes further includes at least one accelerometer for measuring an acceleration and for outputting acceleration signals based on the measured acceleration.

Turning now to the applied prior art, the Ladetto et al. publication discloses a device for determining the displacement of a pedestrian from his or her accelerations by detecting accelerations, determining a characteristic feature in the detected accelerations correlated with a step frequency, and determining the displacement on the basis of the determined characteristic. As acknowledged by the Office Action,¹ the Ladetto et al. device does not include a magnetic mass in a shoe. The Office Action turns to the Wu et al. patent, which discloses a device that counts the number of steps walked. The Wu et al. device also “sounds delightful music to entertain the walker's body and mind, and further, it can make a sound with beats to inspire the walker's spirit and vigor.”²

The Wu et al. patent discloses a single shoe, and thus does not disclose, nor reasonably suggest, a system with a *first* shoe, which includes a *magnetic mass*, and a *second* shoe, which includes a magnetometer *for measuring the magnetic field produced by the magnetic mass in the first shoe*, as required by amended Claim 12. Instead, the magnet A (fig. 2) in the Wu et al. shoe is used as a counting switch that generates a small voltage for

¹ Office Action at page 5, lines 3-4.

² The Wu et al. patent, abstract.

each step the walker takes.³ Thus, the Wu et al. patent does not disclose, nor suggest, any magnetometer in *another* shoe that measures the magnetic field produced by the magnet A. Nor does the Wu et al. patent disclose a magnetometer in a shoe that outputs magnetic field signals based on the measured magnetic field produced by the magnetic mass *in the another* shoe, wherein the magnetic field signals can be processed to determine stride parameters. All claim limitations must be considered.⁴ Therefore, even if the combination of the Ladetto et al. and Wu et al. references is assumed to be proper, the combination fails to disclose the claimed device. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents. Further, there is no apparent reason to modify the teachings of the Ladetto et al. and Wu et al. references.⁵ Accordingly, Applicant respectfully submit that the device defined in amended Claim 12 would not have been obvious to a person of ordinary skill in the art in view of the the Ladetto et al. and Wu et al. references, and the rejection of Claims 12-22 under 35 U.S.C. §103(a) is believed to be overcome by the present Amendment.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 12-23 is earnestly solicited.

³ The Wu et al. patent, column 3, lines 37-44.

⁴ See MPEP 2143.03

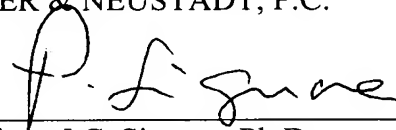
⁵ See *Ex Parte Smith*, at page 14 (citing *KSR*, 127 S.Ct. at 1740-41, 82 USPQ2d at 1396.).

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Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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A handwritten signature in black ink, appearing to read "P. J. Signore", written over a horizontal line.

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